



Order Filed on August 8, 2023  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2C

Stuart H. West, Esquire  
Pluese, Becker & Saltzman, LLC  
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Mount Laurel, NJ 08054-4318  
(856) 813-1700  
Attorneys' for the Mortgagee  
File No. 103795B

In Re:

Juan Carlos Jimenez,

DEBTOR.

Case No.: 23-11272-JKS

Hearing Date: August 10, 2023

Judge: John K. Sherwood

Chapter 13

**CONSENT ORDER RESOLVING OBJECTION TO CONFIRMATION  
AND  
AMENDING ORDER TO SELL**

The relief set forth on the following pages, numbered two (2) through (4), is hereby **ORDERED**.

**DATED: August 8, 2023**

A handwritten signature in dark ink, appearing to read "J K Sherwood", is written over a horizontal line.

Honorable John K. Sherwood  
United States Bankruptcy Court

**Page 2**

Debtor: Juan Carlos Jimenez

Case No: 23-11272-JKS

Caption of Order: Consent Order Resolving Objection to Confirmation and Amending Order to Sell

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This matter having come before the Court on the Objection of Ajax Mortgage Loan Trust 2019-E, Mortgage-Backed Securities, Series 2019-E, by U.S. Bank National Association, as Indenture Trustee, Mortgagee, by and through counsel, Pluese, Becker & Saltzman, LLC, Stuart H. West, Esquire, appearing and the Debtor, by and through counsel, Law Offices of Avram D. White, Esq, Avram D. White , Esquire, having consented hereto; it is hereby, ORDERED as follows:

1. Debtor has filed a Motion to Approve the Sale of 10 Grant Street, Utica, Oneida, N.Y. 13501 (the “Subject Property”).
2. The Subject Property shall be sold for a sufficient price to fully payoff the Mortgagee. The Debtor shall request a Payoff Letter at least three weeks before the scheduled closing of July 19, 2023.
  - A. A sufficient portion of the proceeds of any Transaction shall be devoted to full satisfaction of all sums due upon the Mortgage; and
  - B. The deadline for the closing and the Mortgagee’s receipt of funds shall be no later than August 31, 2023; and
  - C. The Mortgage lien shall not be released unless and until sufficient funds are tendered to fully satisfy all sums due upon the Mortgage (notwithstanding entry of Final Judgment in the Foreclosure and/or any Proof of Claim in any Bankruptcy case), and
  - D. The Mortgagee's contractual Payoff Statement and applicable non-bankruptcy law shall be

**Page 3**

Debtor: Juan Carlos Jimenez

Case No: 23-11272-JKS

Caption of Order: Consent Order Resolving Objection to Confirmation and Amending Order to  
Sell

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the exclusive determinant of the full amount due on the Mortgage lien. The Trustee and/or Debtor reserve the right to question, contest and/or request verification of any line item(s) in the Mortgagee's Payoff Statement.

3. If the Subject Property is not sold and the Mortgagee paid in full by August 31, 2023, the Mortgagee shall be granted immediate Relief from the Automatic Stay upon the filing of a Certification. The Parties specifically agree there shall be no grace period or other defense to such a Certification. This provision, like all of the other provisions, is a material inducement for the Mortgagee agreeing to this Consent Order and the provisions of this Consent Order shall be strictly enforced.

4. The Debtor shall maintain post-Petition payments. The monthly payment is \$1,125.49 per month, for March through May of 2023 and \$530.59 from June onward, subject to future filed notices of payment change. The Debtor is currently due for one payment of \$1,125.49 and the June payment of \$530.59 comes due on June 25, 2023. (*\* As the Petition was filed on 02/17/23, but mortgage payments come due on the 25<sup>th</sup>, the Debtor is actually post-Petition due for April, 2023, which was inadvertently left off this Consent Order. Mortgagee reserves the right to recoup that payment as part of the overall payoff.*) Debtor shall make the payment of \$1,125.49 by June 26, 2023, and the June payment of \$530.59 by June 30, 2023.

**Page 4**

Debtor: Juan Carlos Jimenez

Case No: 23-11272-JKS

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Sell

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5. The monthly payment of \$530.59 shall continue to be made the twenty fifth (25<sup>th</sup>) of every month.

6. If the Debtor fails to comply with Provision 4 of this Order, the Mortgagee may file a Certification of Default. The only defense to such a Certification is the immediate proof of the default cured.

7. If the Debtor fails to make a payment pursuant to Provision 5, within 10 days of the due date, the Mortgagee may file a Certification of Default. The only defense to such a Certification is the immediate proof of the default cured.

We hereby consent to the form and entry of the within Order.

PLUESE, BECKER & SALTZMAN, LLC

LAW OFFICES OF AVRAM D WHITE, ESQ

By: /s/ Stuart H. West  
Stuart H. West, Esquire  
Attorneys for the Mortgagee

By: /s/ Avram D White  
Avram D White, Esquire  
Attorney for the Debtor

In re:  
Juan Carlos Jimenez  
Debtor

Case No. 23-11272-JKS  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-2  
Date Rcvd: Aug 08, 2023

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 10, 2023:

Recip ID	Recipient Name and Address
db	+ Juan Carlos Jimenez, 53 Cottage Street, Jersey City, NJ 07306-2801

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 10, 2023

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 8, 2023 at the address(es) listed below:

Name	Email Address
Avram D White	on behalf of Debtor Juan Carlos Jimenez clistbk3@gmail.com adwlawoffice1@gmail.com;crismateo02@gmail.com;lawworkmorris31@gmail.com;whitear82230@notify.bestcase.com
Denise E. Carlon	on behalf of Creditor Nationstar Mortgage LLC dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Marie-Ann Greenberg	magecf@magtrustee.com
Phillip Andrew Raymond	on behalf of Creditor U.S. Bank Trust National Association not in its individual capacity, but solely as trustee of Citigroup Mortgage Loan Trust 2018-RP2 phillip.raymond@mccalla.com, mccallaecf@ecf.courtdrive.com
Phillip Andrew Raymond	on behalf of Creditor U.S. Bank Trust National Association not in its individual capacity, but solely as trustee of Citigroup Mortgage Loan Trust 2018-RP2, by Fay Servicing, LLC phillip.raymond@mccalla.com, mccallaecf@ecf.courtdrive.com

District/off: 0312-2

User: admin

Page 2 of 2

Date Rcvd: Aug 08, 2023

Form ID: pdf903

Total Noticed: 1

Robert P. Saltzman

on behalf of Creditor Ajax Mortgage Loan Trust 2019-E Mortgage-Backed Securities, Series 2019-E, by U.S. Bank National Association, as Indenture Trustee dnj@pbslaw.org

Stuart H. West

on behalf of Creditor Ajax Mortgage Loan Trust 2019-E Mortgage-Backed Securities, Series 2019-E, by U.S. Bank National Association, as Indenture Trustee swest@pbslaw.org

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8